## REMARKS

Claims 25-38 are pending in this application. By this Amendment, claims 25-31 are amended, and new claims 32-38 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The attached Appendix includes a marked-up copy of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

I. §112, First Paragraph

The Office Action rejects claim 31 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. Applicants amend claim 31 to obviate the rejection. Furthermore, Applicants point out that in Figs. 9C and 9D, the luminescent layers 906-908 clearly "physically contact" each other. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

II. §112, Second Paragraph

The Office Action rejects claims 26-31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend claims 26-31 to obviate the rejection. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

III. Prior Art

The Office Action rejects claims 25 and 27-31 under 35 U.S.C. §102(b) as being anticipated by Shirasaki (U.S. Patent No. 5,895,692); and claims 25-31 are rejected under 35 U.S.C. §102(b) as being anticipated by Yaniv (U.S. Patent No. 5,576,070). Applicants respectfully traverse the rejections as applied to claims 25-38.

In particular, Applicants assert that neither Shirasaki or Yaniv disclose or suggest a display apparatus using an organic EL element, including at least a hole and transfer layer over at least one of a plurality of pixel electrodes, and a luminescent layer over at least a portion of the hole and transfer layer, the luminescent layer constituting a separate layer relative to the hole and transfer layer, the luminescent layer having one color selected from the group consisting of red, green and blue, as recited in independent claim 25, and similarly recited in independent claim 34.

Moreover, neither Shirasaki or Yaniv disclose or suggest a display apparatus using an organic EL element at least with luminescent layers in adjacent pixel electrodes physically contacting each other, as recited in independent claim 35, and similarly recited in independent claim 36.

Finally, neither Shirasaki or Yaniv disclose or suggest a method of manufacturing an organic EL device including at least forming at least one luminescent layer that includes a plurality of pixel luminescent layers that are physically separated without using a partition, and are respectively provided on or above the predetermined first electrodes, as recited in independent claim 37, and similarly recited in independent claim 38.

Specifically, Figs. 1 and 10 in Shirasaki disclose that the luminescent layer 13 is positioned above transparent electrodes 12.

Yaniv discloses in Fig. 4 that the color filters 18a-b, 20a-b and 22b are positioned on top of a first substrate 12. Furthermore, a liquid crystal material is disposed between the first 12 and second substrate 40 and on top of a transparent passive material 26.

In stark contrast to Applicants claimed invention, neither Shirasaki or Yaniv disclose or suggest that at least a hole and transfer layer is positioned over at least one of a plurality of pixel electrodes, and that a luminescent layer is provided over at least a portion of the hole

and transfer layer, the luminescent layer constituting a separate layer relative to the hole and transfer layer.

Moreover, neither Shirasaki or Yaniv disclose or suggest a display apparatus using an organic EL element at least with luminescent layers in adjacent pixel electrodes physically contacting each other. Finally, neither Shirasaki or Yaniv disclose or suggest a method of manufacturing an organic EL device including at least forming at least one luminescent layer that includes a plurality of pixel luminescent layers that are physically separated without using a partition.

On the contrary, Shirasaki instead discloses in Fig. 1 that the luminescent layer 13 is disposed on top of the transparent pixel electrode layer 12. Therefore, a luminescent layer is not provided over at least a portion of the hole and transfer layer. Moreover, the luminescent layer 13 includes fluorescent materials within a first layer that diffuses a fluorescent pigment within the first layer. Thus, luminescent layers are neither physically contacting each other, or physically separated without using a partition. Finally, Yaniv instead discloses that the color filters are disposed on top of a first substrate, and that the liquid crystal material is disposed between the first 12 and second substrate 40 and on top of the transparent passive material 26.

Accordingly, because both Shirasaki and Yaniv both fail to disclose each and every feature as the claimed invention, Applicants assert that independent claims 25 and 34-38 define patentable subject matter. Claims 26-33 depend from independent claim 25 and therefore also define patentable subject matter. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §102(b) be withdrawn.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 25 - 38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Richard S. Elias
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JAO:RSE/alp

Attachments:
Appendix
Petition for Extension of Time

Date: **September 4, 2002**

**OLIFF & BERRIDGE, PLC**
**P.O. Box 19928**
**Alexandria, Virginia 22320**
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

APPENDIX

Changes to Claims:

Claims 32-38 are added.

The following is a marked-up version of the amended claims:

25. (Amended) A display apparatus using an organic EL element, comprising:

a plurality of pixel electrodes;

an active matrix substrate having switching elements corresponding to the respective pixel electrodes; ~~and~~

a hole and transfer layer above at least one of the plurality of pixel electrodes; and

a luminescent layer~~s~~ above at least a portion of the hole and transfer layer, the luminescent layer constituting a separate layer relative to the hole and transfer layer, the luminescent layer having one color selected from the group ~~consisting of~~ comprising red, green and blue.

26. (Amended) The display apparatus as claimed in claim ~~1~~ 25, ~~wherein~~ the switching elements ~~are~~ being thin film transistors.

27. (Amended) The display apparatus as claimed in claim ~~1~~ 25, ~~wherein~~ at least one set of luminescent layers ~~having~~ that has the same color ~~is~~ being formed by ~~means of~~ an ink-jet method.

28. (Amended) The display apparatus as claimed in claim ~~1~~ 25, ~~wherein~~ one set of luminescent layers ~~having~~ that has the same color ~~is~~ being formed by means of an ink-jet method.

29. (Amended) The display apparatus as claimed in claim ~~1~~ 25, ~~wherein~~ two sets of luminescent layers, each set of luminescent layers having a different color, ~~are~~ being formed by means of an ink-jet method.

30. (Amended) The display apparatus as claimed in claim ~~1~~ 25, ~~wherein~~ the luminescent layers ~~are~~ being formed by means of an ink-jet method.

31. (Amended) The display apparatus as claimed in claim ~~1~~ 25, ~~wherein~~ the luminescent layers in adjacent pixel electrodes ~~are in~~ physically contacting ~~with~~ each other.